

# Senate File 378 - Introduced

SENATE FILE \_\_\_\_\_  
BY KETTERING

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act requiring certain health care providers and temporary  
2 nurse agencies to have or supply documentation that criminal  
3 record and abuse registry checks have been performed on  
4 individuals who provide nursing services on a temporary basis.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 1695SS 82  
7 jp/es/88

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1 1 Section 1. NEW SECTION. 152.13 NURSING SERVICES PROVIDED  
1 2 ON TEMPORARY BASIS.  
1 3 1. For the purposes of this section:  
1 4 a. "Health care provider" means a person who is providing  
1 5 health care services in this state which are regulated by the  
1 6 state or is receiving state or federal funding to provide  
1 7 health care services.  
1 8 b. "Licensed to practice nursing in this state" means a  
1 9 registered nurse or licensed practical nurse who is licensed  
1 10 to practice nursing in this state under this chapter or is  
1 11 licensed in another state and is considered to have obtained a  
1 12 license to practice nursing in this state under section 147.2.  
1 13 c. "Temporary nurse agency" means a person engaged for  
1 14 hire in the business of providing or procuring temporary  
1 15 employment with a health care provider for registered nurses  
1 16 or licensed practical nurses who are licensed to practice  
1 17 nursing in this state.  
1 18 2. A health care provider who hires or contracts with an  
1 19 individual licensed to practice nursing in this state to  
1 20 provide nursing services on a temporary basis or who contracts  
1 21 with a temporary nurse agency to provide nursing services on a  
1 22 temporary basis shall have documentation that criminal and  
1 23 dependent adult abuse record checks have been performed on the  
1 24 individuals performing such nursing services. An individual  
1 25 who holds an Iowa license to practice nursing shall be deemed  
1 26 to have had criminal and dependent adult abuse record checks  
1 27 performed. If the individual was provided or referred by a  
1 28 temporary nurse agency, the agency shall supply the  
1 29 documentation to the health care provider.  
1 30 3. a. A health care provider or temporary nurse agency  
1 31 that is required by this section to have or to supply  
1 32 documentation that criminal and dependent adult abuse record  
1 33 checks have been performed on an individual shall request the  
1 34 performance of the criminal and dependent adult abuse record  
1 35 checks and may request the performance of child abuse record  
2 1 checks. The health care provider or temporary nurse agency  
2 2 shall inform the individual of such record checks and obtain  
2 3 the individual's signed acknowledgment of the receipt of the  
2 4 information.  
2 5 b. If an individual has a criminal record or a record of  
2 6 founded child or dependent adult abuse, upon request of the  
2 7 health care provider or the temporary nurse agency, the  
2 8 department of human services shall perform an evaluation to  
2 9 determine whether the record warrants prohibition of the  
2 10 person's provision of nursing services and the individual  
2 11 shall not provide nursing services pending completion of the  
2 12 evaluation. If the department of human services determines  
2 13 from the evaluation that the individual has committed a crime  
2 14 or has a record of founded child or dependent adult abuse  
2 15 which warrants prohibition from providing nursing services,  
2 16 the person shall not provide nursing services. The department  
2 17 of human services shall utilize the criteria provided in  
2 18 section 135C.33 in performing the evaluation and shall report

2 19 the results of the evaluation to the health care provider or  
2 20 temporary nurse agency that requested the evaluation and to  
2 21 the board. The department of human services has final  
2 22 authority in determining whether prohibition of the person's  
2 23 provision of nursing services is warranted.  
2 24 c. A health care provider or temporary nurse agency  
2 25 subject to this section may access the single contact  
2 26 repository established pursuant to section 135C.33 as  
2 27 necessary for the provider or agency to initiate record checks  
2 28 of an individual subject to such checks under this section.  
2 29 Sec. 2. Section 235A.15, subsection 2, paragraph c, Code  
2 30 2007, is amended by adding the following new subparagraph:  
2 31 NEW SUBPARAGRAPH. (15) A health care provider or  
2 32 temporary nurse agency required under section 152.13 to have  
2 33 or supply documentation of record checks, if the data relates  
2 34 to a record check performed pursuant to section 152.13.  
2 35 Sec. 3. Section 235B.6, subsection 2, paragraph e, Code  
3 1 2007, is amended by adding the following new subparagraph:  
3 2 NEW SUBPARAGRAPH. (14) A health care provider or  
3 3 temporary nurse agency required under section 152.13 to have  
3 4 or supply documentation of record checks, if the data relates  
3 5 to a record check performed pursuant to section 152.13.

#### 3 6 EXPLANATION

3 7 This bill requires certain health care providers and  
3 8 temporary nurse agencies to have or supply documentation that  
3 9 criminal record and abuse registry checks have been performed  
3 10 on individuals who provide nursing services on a temporary  
3 11 basis.

3 12 The requirements are outlined in new Code section 152.13 in  
3 13 the nursing Code chapter. The term "health care provider" is  
3 14 defined to mean a person who is providing health care services  
3 15 in this state which are regulated by the state or who is  
3 16 receiving state or federal funding to provide health care  
3 17 services. The term "licensed to practice nursing in this  
3 18 state" is defined to mean a registered nurse or licensed  
3 19 practical nurse who is licensed to practice nursing in this  
3 20 state under Code chapter 152 or is licensed in another state  
3 21 and is considered to have obtained a license to practice  
3 22 nursing in this state under Code section 147.2, which provides  
3 23 for reciprocity under certain state compacts. The term  
3 24 "temporary nurse agency" means a person engaged for hire in  
3 25 the business of providing or procuring temporary employment  
3 26 with a health care provider for registered nurses or licensed  
3 27 practical nurses who are licensed to practice nursing in this  
3 28 state.

3 29 A health care provider who hires or contracts for an  
3 30 individual to provide nursing services on a temporary basis  
3 31 must have documentation that criminal and dependent adult  
3 32 abuse record checks have been performed on the individual. If  
3 33 the individual holds an Iowa license to practice nursing, the  
3 34 record checks are deemed to have been performed. If the  
3 35 individual was provided by a temporary nurse agency, the  
4 1 agency must supply the documentation to the health care  
4 2 provider.

4 3 A health care provider or temporary nurse agency that is  
4 4 subject to the bill's requirements is required to request the  
4 5 criminal and dependent adult abuse record checks and may  
4 6 request child abuse record checks. The provider or agency may  
4 7 utilize the automated single contact repository established  
4 8 under Code section 135C.33 to initiate the checks. If it is  
4 9 determined that the individual has a criminal record or a  
4 10 record of founded abuse, the provider or agency may request  
4 11 the department of human services perform an evaluation to  
4 12 determine whether the record warrants prohibition of the  
4 13 person's provision of nursing services and such provision is  
4 14 prohibited pending that evaluation.

4 15 The department is required to utilize the criteria provided  
4 16 in Code section 135C.33, which relate to the seriousness and  
4 17 nature of the crime or abuse, degree of rehabilitation, and  
4 18 likelihood it will be repeated. The department has final  
4 19 authority in determining whether the individual will be  
4 20 prohibited from providing nursing services. The evaluation is  
4 21 reported to the provider or agency requesting the evaluation  
4 22 and the board of nursing.

4 23 The health care providers and temporary nurse agencies  
4 24 subject to the requirements are authorized access to child and  
4 25 dependent adult abuse information under Code section 235A.15,  
4 26 relating to the child abuse registry, and Code section 235B.6,  
4 27 relating to the dependent adult abuse registry, for purposes  
4 28 of the record checks.

